

Message Text

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PAGE 01 VIENNA 07591 231256Z

ACTION L-03

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FM AMEMBASSY VIENNA

TO SECSTATE WASHDC 7686

UNCLAS VIENNA 07591

E.O. 11652: N/A

TAGS: AGAO

REF: STATE 202290

SUBJECT: GAO AUDIT OF CASE ACT COMPLIANCE

1. REGRET DELAY IN TRANSMITTING COMMENTS ON DRAFT GAO REPORT ON CASE ACT. WORK ON UN CONFERENCE HERE WAS EXTREMELY HEAVY AND WE WERE UNABLE TO MEET THE AUGUST 18 DEADLINE.
2. IN OUR JUDGMENT, THE DRAFT REPORT IS AN EXCELLENT PIECE OF WORK. THE STUDY MIGHT INDICATE AT THE OUTSET THAT ITS PRIMARY FOCUS IS ON AGENCY-LEVEL AGREEMENTS CONCLUDED BY DEPARTMENTS AND AGENCIES OF THE U.S. GOVERNMENT OTHER THAN THE DEPARTMENT OF STATE.
3. AT PAGE 1 OF DIGEST, THE SECOND PARA IS MISLEADING. AGENCIES AND DEPARTMENTS OTHER THAN STATE WILL BE ENCOURAGED TO INFORM STATE, WHICH CAN THEN KEEP THE CONGRESS BETTER INFORMED OF ACTIVITIES OUTSIDE OF STATE.
4. AT PAGE 5, FIRST PARAGRAPH IS MISLEADING. SIGNIFICANCE IS NOT THE ONLY CRITERIA, AS THE DRAFT REPORT LATER NOTES. SIGNIFICANCE AND ALL OTHER CRITERIA MUST BE MET, AND THIS SHOULD BE NOTED AT THIS POINT IN THE PAPER.
5. AT PAGE 9, THE LEGISLATIVE PROPOSALS LISTED WERE ALSO PASSED BY THE FULL SENATE.
6. AT PAGE 10, THE TREATY POWERS RESOLUTION IS NOT QUITE CORRECTLY DESCRIBED. OUR REPORTS ON THIS RESOLUTION

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WILL PROVIDE AN ACCURATE DESCRIPTION.

7. AT PAGE 11, TREATIES AND AGREEMENTS ARE PUBLISHED IN FULL IN THE TIAS SERIES AND IN THE US TREATIES VOLUMES. THE BOOK TREATIES IN FORCE IS SIMPLY A LISTING OF ALL

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TREATIES AND AGREEMENTS IN FORCE FOR THE UNITED STATES
AT THE START OF EACH CALENDAR YEAR.

8. AT PAGE 13, CIRCULAR 175 ACTION MEMORANDA, ACCOMPANIED IN EACH CASE BY A LEGAL MEMORANDUM, ARE SUBMITTED TO THE SECRETARY OF STATE, OR THE DEPUTY SECRETARY, OR ONE OF THE UNDER-SECRETARIES, DEPENDING ON THE SIGNIFICANCE AND SUBJECT MATTER OF THE PARTICULAR AGREEMENT. .-."

9. AT PAGE 14, LAST PARAGRAPH, THE WORD AGREEMENTS SHOULD BE CHANGED TO ARRANGMENTS. WE USE THE WORD AGREEMENTS TO MEAN AGREEMENTS WITHIN THE MEANING OF THE LAW, INCLUDING THE CASE ACT. IF AN ARRANGEMENT DOES NOT MEET THE CRITERIA WE HAVE ESTABLISHED, IT IS NOT AN AGREEMENT. THIS USE OF TERMS SHOULD BE CHECKED THROUGHOUT THE REPORT, E.G.P. 30, SECOND PARA, SECOND SENTENCE.

10. AT PAGE 11. AS FOR THE ONE NON-AGREEMENT, TREASURY WOULD NOT PERMIT STATE LAWYERS EVEN TO EXAMINE THE DOCUMENTS, CLAIMING IT WAS TOO QUOTE SENSITIVE UNQUOTE. STATE AGREED WITH THE TREASURY DETERMINATION AFTER A STATE OFFICIAL WHO HAD A COPY GAVE IT TO US. PRESUMABLY THIS PROBLEM WILL BE SOLVED BY THE NEW LEGISLATION AMENDING THE CASE ACT.
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11. AT PAGE 51, THE WORDING OF ALL THE PARAGRAPHS UNDER SOCIALIST REPUBLIC OF VIETNAM SHOULD BE CHECKED WITH THE ASSISTANT LEGAL ADVISER FOR EAST ASIAN AFFAIRS, OR WITH AN ATTORNEY IN THE L/EA OFFICE. BORG

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